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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,881	11/27/2001	Stefan Schober	740123-397	7645

22204 7590 07/25/2003

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EXAMINER

RO, BENTSU

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,881

Applicant(s)

SCHOBET ET AL.

Examiner

Bentsu Ro

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

SECOND OFFICE ACTION --- A FINAL REJECTION

1. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al.

The examiner maintains the same rejection as that of the first office action, paper #7, mailed 3/12/2003. Applicant should refer to the first office action for the details.

Why the examiner maintains the same rejection? This is because applicant's Fig. 2 circuit is identical to that of Fortune et al Fig. 4 circuit except applicant's Fig. 2 circuit includes a PWM solid state switch whereas Fortune et al do not include such a PWM solid state switch.

The claim with PWM solid state switch (claim 5) has been indicated allowable. In the amendment, applicant has rewritten claim 5 in independent form, therefore, claim 5 is allowable.

2. Applicant's remarks have been fully considered, but they are not convincing. Basically, applicant argues that

Fortune et al discloses motors 36a, 34a and 168 being operated individually in forward or reverse directions, but fails to teach or suggest the motors 36a, 34a and 168 being operated at the same time or in pairs.

This argument is not convincing. One skilled in the art looks through Fortune's Fig. 4 the upper drawing, with or without reading Fortune's text, will immediately recognize that the motors can be actuated in pairs by actuating the first and the third half bridges. For example, motor 36a and 34a can be actuated by activating transistors 80a and 74a, or reversing by actuating transistors 72a and 82a. The same method can be used to actuate (forward or reverse) a single motor, a pair of motors, or all three motors.

Further, Fortune's Fig. 4 circuit is identical to applicant's Fig. 2 circuit, except Fortune does not teach a PWM solid state switch. The solid state switch claim 5 is allowable because Fortune does not show such a PWM solid state switch. All other claims read onto Fortune's Fig. 4 circuit and therefore not allowable even though Fortune does not specifically point out the operation of "in pairs" or "all motors". This is because a skilled person in the art, when see Fortune's Fig. 4 circuit, will immediately recognize such types of operation are possible.

Most importantly, "somebody does not say something does not mean that such something cannot happen". Fortune does not show the operation "in pair" or "all motors" does not mean that Fortune's circuit cannot be operated "in pair" or "all motors".


3. Claim 5 is allowable.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 703 308-3656.

July 23, 2003


Bentsu Ro
Primary Examiner